IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1107 OF 2007

Shri Bhupal Babu Pakhare ...Petitioner

Versus

President,
Devasthan Management Committee,
Western Maharashtra, Kolhapur & Anr. ...Respondents

Shri A.Y.Sakhare with Yashodhan Sakhare i/by M/s YKS Legal for the Petitioner.
Shri S.A.Sawant for the Respondents.

CORAM : ABHAY S.OKA, J.
DATED : APRIL 19, 2007.

P.C.:

1. Heard learned senior counsel appearing for the Petitioner and the learned counsel appearing for the Respondents. The Petitioner is the original Plaintiff. The Devasthan Management Committee, Western Maharashtra, Kolhapur which is managing the affairs of Mahalaxmi Temple at Kolhapur passed a resolution that shoe stands should be provided nearby the door of the temple for the purposes of use of devotees entering the temple. According to the case of the Petitioner, the Respondents permitted him to look after and manage the shoe racks provided near the gate of the temple. On 30th April, 2003 there was an agreement entered into between the Petitioner and the Respondents. The period mentioned in the agreement was extended till 10th March, 2006. The

Petitioner applied for extension of that period. However, extension was not granted and a threat was given by the Respondents of removal of shoe stands.

2. A suit for injunction was filed by the Petitioner restraining the Respondents from interfering with the management of the shoe stands by the Petitioner. An application for temporary injunction made by the Petitioner was rejected by the trial Court and an appeal against the said order has been dismissed. These orders are challenged in this Writ Petition.

3. The learned senior counsel appearing for the Petitioner pointed out that from March 2003 onwards the Petitioner has been religiously doing his work right from 05.00 a.m to 08.00 p.m everyday. He pointed out that very small income is earned by the Petitioner. He submitted that there was no complaint made by any devotee against the Petitioner and therefore, there was no ground for the Respondents to deny extention of the time to the Petitioner.

4. I have considered the submissions. The Respondents have granted permission to the Petitioner to look after shoe stands for a limited period. The said permission has admittedly expired and the same has not

been extended. Prima facie it appears to me that no right was created in favour of the Petitioner to continue after the period granted by the Respondent had expired.

5. The courts below after considering the aforesaid aspects have declined to grant equitable and discretionary relief of temporary injunction in favour of the Petitioner. No case is made out for interference in this Writ Petition under Article 227 of the Constitution of India. Petition is rejected.

JUDGE